

Public Notice

U.S. Army Corps of Engineers, Norfolk District

March 20, 2006

CENAO-TS-G
06-V0441

FEDERAL PUBLIC NOTICE

The District Engineer and the Virginia Department of Environmental Quality have received a joint application for Federal and State permits as described below:

APPLICANT

Jayne Whitney
Hampton Roads Transit
1500 Monticello Avenue
Norfolk, VA 23510

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in Smith Creek, Ohio Creek, Mosley Creek, Broad Creek, and Mill Creek, tributaries to the Elizabeth River in Norfolk, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to construct a 7.4 mile light rail transit (LRT) system that will operate from the Eastern Virginia Medical Center complex to the Newtown Road area of Norfolk. The Norfolk LRT project would be constructed within existing transportation corridors. The downtown segment of the project, between the Medical Center and Norfolk State, would be constructed on existing streets. The Smith Creek Bridge, a new, two-track light rail transit bridge would be constructed adjacent to the existing roadway bridge that carries Brambleton Avenue over Smith Creek.. To the east of Norfolk State University, the project would be constructed within the existing Norfolk Southern rail corridor. The entire rail corridor, including the Broad Creek Bridge, would be reconstructed to accommodate two light rail tracks. In addition to track construction, eleven stations are proposed where riders access trains. Stations range from simple platforms to park and ride lots for transit users. In addition, a vehicle maintenance facility would be constructed to maintain and store the light rail vehicles. The maintenance facility is proposed to be constructed south of Norfolk State University between I-264 and the NSU southern campus boundary.

Approximately 1.68 acres of tidal, emergent wetlands will be impacted. Approximately 0.74 acres of the proposed wetland fill is associated with track construction and expansion. Since the project expands an existing freight rail line, there is little opportunity to shift the alignment to avoid wetland impacts. Approximately 0.74 acres of degraded wetlands will be filled by the construction of the vehicle maintenance and storage facility. There will be 0.20 acres of temporary cut impact proposed. The areas of temporary cut will be restored to preconstruction contours and re-vegetated. Approximately 0.21 acres of tidal wetlands will be created on-site in the Ohio and Mosely Creek systems as in-kind replacement for impacts to other tidal drainage ditches. Therefore, the project will require a total of 1.27 acres of off-site mitigation proposed to be met at an appropriate tidal mitigation bank and/or an in-lieu fee payment to the Elizabeth River Restoration Trust.

The primary purpose of the project is to provide an improved transportation system in a highly congested transportation corridor.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit/401 certification from the Virginia Department of Environmental Quality assuring that applicable laws and regulations pertaining to water quality are not violated and a permit from the Norfolk Wetlands Board. Project drawings and maps are attached.

AUTHORITY: Permits are required pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the individual and cumulative impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Engineer within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Engineer will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of

Environmental Impact Review at (804) 698-4330 or e-mail: elirons@deq.state.va.us.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-TS-G), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on April 18, 2006.

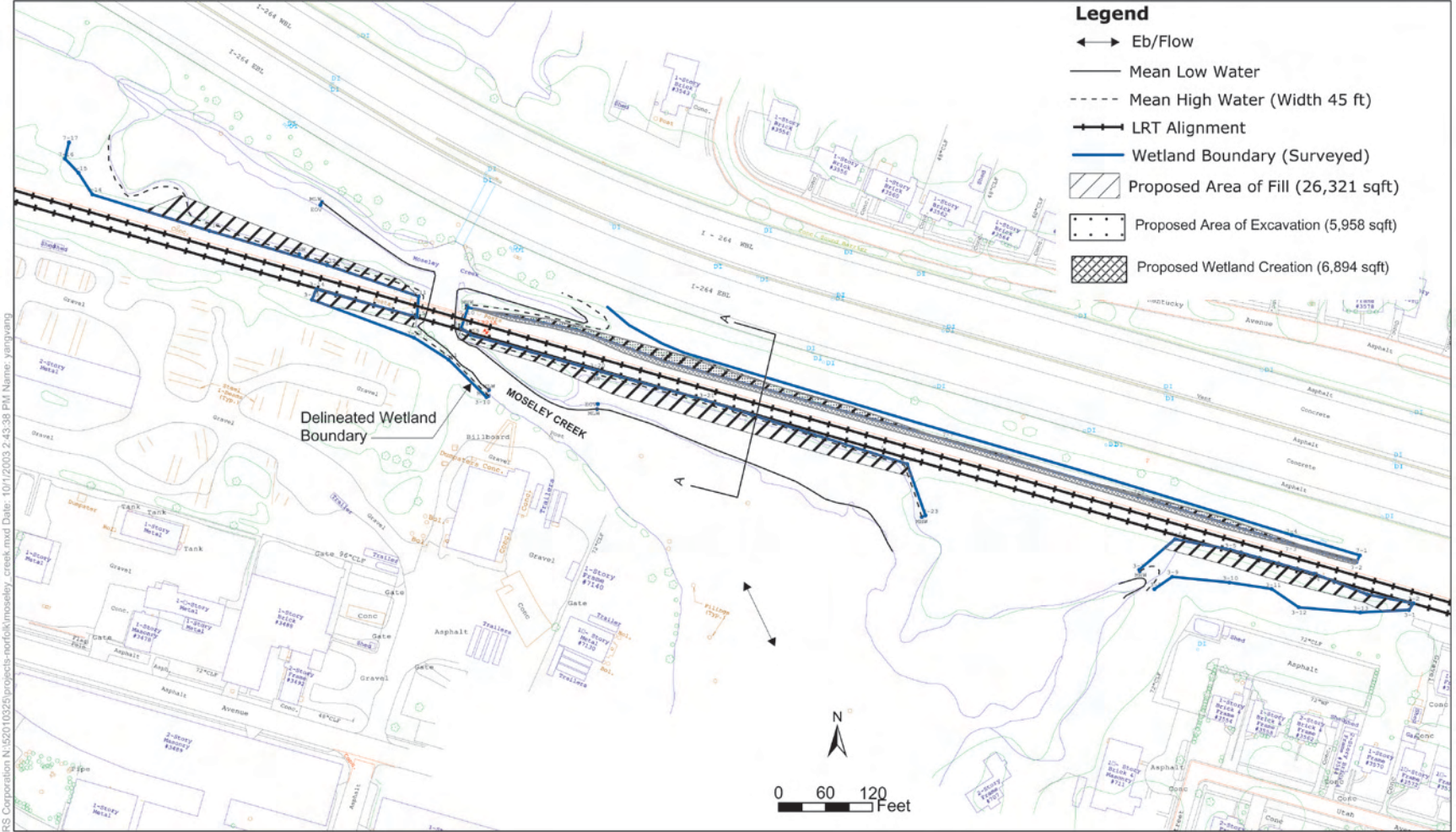
If you have any questions about this project or the permit process, please call Peter Kube at (757) 201-7504

FOR THE DISTRICT ENGINEER:

Michael A. Schwinn
Chief, Western Virginia
Regulatory Section

Attachment: Drawings





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